

ATTACHMENT 2

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

TIME SCHEDULE ORDER ~~NO. R5-2010-0115-0102~~
(as amended by Order R5-2011-0083 and as amended by Order R5-2013-XXXX)

REQUIRING THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT
SACRAMENTO COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER ~~NO. R5-2010-0114-02~~
(NPDES PERMIT NO. CA0077682)

The California Regional Water Quality Control Board, Central Valley Region, (hereinafter Central Valley Water Board) finds that:

1. On 9 December 2010, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order ~~No. R5-2010-0114~~, prescribing waste discharge requirements for the Sacramento Regional County Sanitation District (hereinafter Discharger) for the Sacramento Regional Wastewater Treatment Plant (hereafter Facility), in Sacramento County. Order R5-2010-0114 was subsequently amended by the Central Valley Water Board by Order R5-2011-0083 on 1 December 2011 and Order R5-2013-XXXX on X October 2013. Order R5-2010-0114 was also amended by State Water Resources Control Board WQ 2012-0013 on 4 December 2012. The Order number was revised to R5-2010-0114-02.
2. WDR Order ~~No. R5-2010-0114-02~~, contains Final Effluent Limitations IV.A.1, which reads, in part, as follows:
 - a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Max Daily	Instantaneous Minimum	Instantaneous Maximum
N-nitrosodimethylamine	ng/L	0.69	--	1.4	--	--
Dibenzo(a,h)anthracene	µg/L	0.2	--	0.4	--	--

3. WDR Order ~~No. R5-2010-0114-02~~, contains Final Effluent Limitations IV.A.1, which reads, in part, as follows:
 - I. **Chlorpyrifos and Diazinon.** Effluent chlorpyrifos and diazinon concentrations shall not exceed the sum of one as defined below:
 - i. Average Monthly Effluent Limit

$$S_{AMEL} = \frac{C_{D-avg}}{0.08} + \frac{C_{C-avg}}{0.012} \leq 1.0$$

C_{D-avg} = average monthly diazinon effluent concentration in $\mu\text{g/L}$

C_{C-avg} = average monthly chlorpyrifos effluent concentration in $\mu\text{g/L}$

ii. Maximum Daily Effluent Limit

$$S_{MDEL} = \frac{C_{D-max}}{0.16} + \frac{C_{C-max}}{0.025} \leq 1.0$$

C_{D-max} = maximum daily diazinon effluent concentration in $\mu\text{g/L}$

C_{C-max} = maximum daily chlorpyrifos effluent concentration in $\mu\text{g/L}$

4. The effluent limitations at Discharge Point No. 001 specified in Order ~~No. R5-2010-0114-02~~ for ~~N-nitrosodimethylamine and dibenzo(a,h)anthracene~~ are based on implementation of the California Toxics Rule (CTR). The effluent limitations for chlorpyrifos and diazinon are based on water quality objectives contained in the Basin Plan. The effluent limitations for ~~N-nitrosodimethylamine, dibenzo(a,h)anthracene, chlorpyrifos and diazinon~~ are new limitations, which were not prescribed in previous WDR Order ~~No. 5-00-188~~, adopted by the Central Valley Water Board on 4 August 2000.
5. California Water Code (CWC) section 13300 states: *"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."*
6. The Discharger requests time to conduct further testing to determine whether the detection of dibenzo(a,h)anthracene in the effluent is the result of a one time detection or if dibenzo(a,h)anthracene is a constituent that requires source control. If further testing indicates dibenzo(a,h)anthracene is a consistent constituent of concern, the Discharger requests time to conduct source investigations and evaluate potential source controls that would achieve compliance with the final limits.
7. ~~The Discharger requests time to conduct further testing to determine whether assimilative capacity exists in the ambient water for N-nitrosodimethylamine. The detection level of N-nitrosodimethylamine is substantially greater than the water quality objective. All the ambient water samples were non-detect, thus, with the detection level greater than the water quality objective, no assimilative capacity is available as required in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). However, even with assimilative capacity, the Discharger may not be able to meet the final effluent limits. Thus, the Discharger must either reduce N-nitrosodimethylamine by source control or change operations or change treatment process for disinfection by chlorine to another disinfection method. The Discharger requests time to conduct source investigations and evaluate potential source controls that would achieve compliance with the final limits.~~

~~8.7.~~ In accordance with CWC section 13385(j)(3), the Central Valley Water Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently comply with the new water quality-based effluent limitation for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, chlorpyrifos and diazinon. These limitations are new requirements that become applicable to WDR Order ~~No. R5-2010-0114-02~~ after the effective date of adoption of the waste discharge requirement for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

~~9.8.~~ Immediate compliance with the new effluent limitations for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, chlorpyrifos and diazinon is not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.

Mandatory Minimum Penalties

~~10.9.~~ CWC section 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC section 13385(j)(3) exempts the discharge from mandatory minimum penalties *"where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met... For the purposes of this subdivision, the time schedule may not exceed five years in length..."*

~~11.10.~~ By statute, in accordance with CWC section 13385(j)(3)(C), a Time Schedule Order may provide protection from MMPs for no more than five years. Compliance with this Order only exempts the Discharger from mandatory penalties for violations of the final effluent limitations for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, chlorpyrifos and diazinon in accordance with CWC section 13385(j)(3). Protection from MMPs for the final effluent limitations for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, chlorpyrifos and diazinon begins immediately, and may not extend beyond 1 December 2015.

~~12.11.~~ CWC section 13385(j)(3) requires the Discharger to submit and implement its pollution prevention plans for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, chlorpyrifos and diazinon pursuant to section 13263.3 of the California Water Code.

~~13.12.~~ Since the time schedule for completion of action necessary to bring the waste discharge into compliance exceeds 1 year, this Order includes an interim requirement and date for achievement. The time schedule does not exceed five years.

The compliance time schedule in this Order includes interim maximum daily effluent limitations for ~~N-nitrosodimethylamine~~ and dibenzo(a,h)anthracene, and a combined interim average monthly effluent limitation for chlorpyrifos and diazinon. The data set are based on data collected between 12 June 2005 and 10 October 2009. All the data collected for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, and chlorpyrifos had less than 20 percent detection, while all data for diazinon was below detection levels. When at least 80% of the data points are reported as non detected values, interim limitations

are based on 3.11 times the maximum observed effluent concentration (MEC) to obtain the daily maximum interim limitation. The following table summarizes the calculations of the daily maximum interim effluent limitation for these constituents:

Parameter	Units	MEC	Mean (x)	Std. Dev. (sd)	Formula Used	Interim Limitation Maximum Daily
N-nitrosodimethylamine	µg/L	0.082	--	--	3.11*MEC	0.26
Dibenzo(a,h)anthracene	µg/L	0.51	--	--	3.11*MEC	1.6
Chlorpyrifos	µg/L	0.039	--	--	3.11*MEC	0.12 ¹

¹ Value used in combined interim average monthly effluent limit for chlorpyrifos and diazinon.

~~44.~~13. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with the final effluent limitations cannot be achieved by the existing discharge. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. The interim limitations, however, establish an enforceable ceiling concentration until compliance with the effluent limitation can be achieved. The Central Valley Water Board finds that the time schedule contained herein is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of control measures that are necessary to comply with the final effluent limitations.

Other Regulatory Requirements

~~45.~~14. On 9 December 2010, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under CWC section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

~~46.~~15. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with CWC section 15321 (a)(2), Title 14, of the California Code of Regulations.

IT IS HEREBY ORDERED THAT:

- The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for ~~N-nitrosodimethylamine~~, dibenzo(a,h)anthracene, chlorpyrifos and diazinon contained in WDR Order ~~No. R5-2010-0114-02~~ as described in the above Findings:

Task**Date Due**

Submit Method of Compliance Workplan/Schedule.

Within 6 months of adoption of this Order

Submit and implement an updated, or new as appropriate, Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3.

Within 6 months of adoption of this OrderAnnual Progress Reports¹**1 December, annually**, after approval of workplan until final complianceFull compliance with the final effluent limitations for ~~N-nitrosodimethylamine~~ and dibenzo(a,h)anthracene.**1 December 2015**

Full compliance with the final effluent limitations for chlorpyrifos and diazinon.

1 December 2015

¹ The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

- The following interim effluent limitations shall be effective immediately and until the date specified in the table for applicable parameter, or when the Discharger is able to come into compliance, whichever is sooner.

Effective Immediately and Until:	Parameter	Maximum Daily Effluent Limitation (µg/L)
1 December 2015	N-nitrosodimethylamine (µg/L)	0.26
1 December 2015	Dibenzo(a,h)anthracene (µg/L)	1.6

- The following interim effluent limitations for chlorpyrifos and diazinon shall be effective immediately and until 1 December 2015, or when the Discharger is able to come into compliance, whichever is sooner.

The Average Monthly Effluent Limitation for Chlorpyrifos and Diazinon (S_{AMEL}) is defined below:

$$S_{AMEL} = \frac{C_{D-avg}}{0.08} + \frac{C_{C-avg}}{0.12} \leq 1.0$$

C_{D-avg} = average monthly diazinon effluent concentration in µg/L

C_{C-avg} = average monthly chlorpyrifos effluent concentration in µg/L

Compliance shall be determined by calculating the sum (S), with analytical results that are reported as “non-detectable” concentrations to be considered to be zero.

4. For the compliance schedule required by this Order, the Discharger shall submit to the Central Valley Water Board on or before the compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule.
5. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or may issue an Administrative Civil Liability Complaint pursuant to CWC section 13323.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resource Control Board (State Water Board) to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 9 December 2010, ~~and as~~ amended on 1 December 2011 by Order R5-2011-0083, and as amended by Order R5-2013-XXXX on X October 2013.

PAMELA C CREEDON, Executive Officer